

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6796

BILL NUMBER: SB 218

NOTE PREPARED: Mar 29, 2005

BILL AMENDED: Mar 28, 2005

SUBJECT: Safety Belts.

FIRST AUTHOR: Sen. Nugent

FIRST SPONSOR: Rep. Whetstone

BILL STATUS: As Passed House

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It provides that evidence of the failure to comply with the laws concerning safety belt use may be admitted as evidence in a civil action to reduce damages for injury to a person who is at least 15 years at the time of the accident, and may limit the liability of an insurer.
- B. It provides that the defendant has the burden of establishing that use of a safety belt would have reduced damages.
- C. It provides that if evidence that the plaintiff failed to comply with the laws concerning seat belt safety is admitted in a civil action, a court shall admit evidence that a plaintiff or defendant was intoxicated at the time the accident occurred.

Effective Date: July 1, 2005.

Explanation of State Expenditures: In certain circumstances, this bill could reduce the liabilities of the state of Indiana in personal injury claims. This could happen in cases where the Office of the Attorney General can prove that the person filing a personal injury claim against the state due to a vehicular collision involving state-owned property would have been less seriously injured if the person had been complying with seat belt laws.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could reduce the costs of tort payments for local units of government and political subdivisions if the attorney representing a local unit of government or political subdivision as a defendant in a person injury lawsuit can prove that an injured person would have been less

seriously injured if the person had been complying with seat belt laws. (See *Explanation of State Expenditures*.)

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General

Local Agencies Affected: Local units of government and political subdivisions

Information Sources:

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